

AMENDED IN ASSEMBLY APRIL 17, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2133

Introduced by Assembly Member Goldberg

February 20, 2002

~~An act to add Section 2400.5 to the Vehicle Code, relating to law enforcement.~~ *An act to add Chapter 10.7 (commencing with Section 6400) to the Penal Code, relating to prisons.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2133, as amended, Goldberg. ~~Law enforcement~~ *Prisons: inmate visitation.*

Existing law includes legislative findings and declarations indicating the importance of visitation to prisoners as an effective correctional technique that reduces recidivism, and provides for specified services for visitors to prisons. Existing law includes regulations governing the policy and practice of the Department of Corrections concerning prison visitation.

This bill would require that any amendments to existing regulations and any future regulations adopted by the Department of Corrections which may impact the visitation of inmates recognize and consider the value of inmate visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates for successful release and rehabilitation.

~~Existing law prohibits law enforcement officers from engaging in “racial profiling,” which is defined as the practice of detaining a suspect based on a broad set of criteria that casts suspicion on an entire class of people without any individualized suspicion of the particular~~

~~person being stopped. Under existing law, law enforcement officers are required to participate in racial profiling training, with the curriculum developed by the Commission on Peace Officer Standards and Training, in collaboration with a 5-person panel, as specified.~~

~~This bill would require the California Highway Patrol, and each city or county law enforcement agency to collect specified information concerning all traffic stops made by its peace officers, and to annually report that information to the Governor or its governing body, as applicable. The bill would authorize one or more local public hearings for the review of the data collected in the report. This bill would state that data collected pursuant to its provisions shall be used only for research and statistical purposes, and may not contain information that could reveal the identity of any individual stopped or of any peace officer. It would require the Commission on Peace Officer Standards and Training, in cooperation with professional researchers, to develop and make available qualitative analysis models and training courses to assist agencies and governing boards and councils with the analysis of their data.~~

~~By imposing reporting and other requirements on city and county law enforcement agencies, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 2400.5 is added to the Vehicle Code, to~~
- 2 ~~SECTION 1. Chapter 10.7 (commencing with Section 6400)~~
- 3 ~~is added to the Penal Code, to read:~~
- 4

CHAPTER 10.7. PRISON VISITATION

6400. Any amendments to existing regulations and any future regulations adopted by the Department of Corrections which may impact the visitation of inmates shall do all of the following:

(a) Recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and inmates.

(b) Recognize and consider the important role of inmate visitation in establishing and maintaining a meaningful connection with family and community.

(c) Recognize and consider the important role of inmate visitation in preparing an inmate for successful release and rehabilitation.

read:

~~2400.5.—(a) Commencing on July 1, 2004, the commanding officer of the California Highway Patrol shall prepare and submit an annual report to the Governor and the commanding officer of each city and county law enforcement agency shall prepare and submit an annual report to his or her city council or board of supervisors all of the following:~~

~~(1) Information regarding the number of motor vehicle drivers stopped for all traffic law enforcement purposes.~~

~~(2) Whether or not a citation or warning was issued.~~

~~(3) Data on the following information for each stop:~~

~~(A) Based on visual observation, the race or ethnicity of the individual stopped.~~

~~(B) Based on an examination of the individual's driver's license, the age and gender of the individual stopped.~~

~~(C) Whether the stop was based on any of the following:~~

~~(i) A moving Vehicle Code violation.~~

~~(ii) A mechanical or nonmoving Vehicle Code violation.~~

~~(iii) A driving under the influence violation.~~

~~(iv) A violation of the Penal Code or any other code violation.~~

~~(v) A violation of a local ordinance.~~

~~(vi) Whether the appearance of the driver or the appearance of the vehicle matches the description of a crime suspect or of a vehicle involved in the commission of a crime or alleged to belong to a criminal suspect.~~

~~(vii) Whether the appearance of the driver or the appearance of the vehicle matches the description of a person or the appearance~~

1 of a vehicle that is alleged to be owned or operated by a person for
2 whom there is an outstanding warrant.
3 ~~(4) Whether a vehicle search was instituted.~~
4 ~~(5) Whether any of the following items were discovered or~~
5 ~~seized in the course of the search:~~
6 ~~(A) Weapons.~~
7 ~~(B) Controlled substances.~~
8 ~~(C) Cash.~~
9 ~~(D) Vehicles.~~
10 ~~(E) Other property believed to be unlawful or whose~~
11 ~~possession is unlawful.~~
12 ~~(6) Whether one of the following resulted from the search or~~
13 ~~stop:~~
14 ~~(A) A written citation was issued.~~
15 ~~(B) A verbal or written warning was made.~~
16 ~~(C) An arrest was made.~~
17 ~~(b) The annual reports prescribed by subdivision (a) by the~~
18 ~~commanding officers of each city and county law enforcement~~
19 ~~agency may be reviewed by the city council or county board of~~
20 ~~supervisors at one or more public hearings for purposes of, among~~
21 ~~other things, examining the data compiled in the annual report,~~
22 ~~affording law enforcement officials the opportunity to discuss~~
23 ~~department policies impacting the results, and adopting revisions~~
24 ~~to departmental policies and procedures wherever deemed~~
25 ~~necessary.~~
26 ~~(c) The data acquired pursuant to this section shall be used~~
27 ~~exclusively for research and statistical purposes and for the annual~~
28 ~~review prescribed by subdivision (b). The data shall not contain~~
29 ~~any information that may reveal the identity of any individual who~~
30 ~~is stopped or of any law enforcement officer.~~
31 ~~(d) The Commission on Peace Officer Standards and Training,~~
32 ~~in consultation with profession research consultants, shall develop~~
33 ~~and make available qualitative analysis models and training~~
34 ~~courses to assist law enforcement agencies and city council~~
35 ~~members and county boards of supervisors in the analysis of their~~
36 ~~data.~~
37 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
38 ~~Code, if the Commission on State Mandates determines that this~~
39 ~~act contains costs mandated by the state, reimbursement to local~~
40 ~~agencies and school districts for those costs shall be made pursuant~~

1 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
2 ~~2 of the Government Code. If the statewide cost of the claim for~~
3 ~~reimbursement does not exceed one million dollars (\$1,000,000);~~
4 ~~reimbursement shall be made from the State Mandates Claims~~
5 ~~Fund.~~

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